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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,459	03/06/2002	Yoshinobu Hara	108426-00014	6923
4372 7590 02/26/2007 ARENT FOX PLLC 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER NELSON, FREDA ANN	
			ART UNIT	PAPER NUMBER
			3628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/031,459

Applicant(s)

HARA ET AL.

Examiner

Freda A. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received on October 31, 2006 is acknowledged and entered. Claims 1 and 7 have been amended. No claims have been added. Claims 1-12 are currently pending.

Response to Amendments and Arguments

Applicant's arguments filed October 31, 2007 have been fully considered but they are not persuasive.

In response to applicants argument that McMahon fails to disclose or suggest a bidding price storing section for storing bidding prices presented by the plurality of sellers in response to specifications of an article presented by the buyer; or storing in a bidding price storing section, bidding prices presented by the plurality of sellers in response to specifications of an article presented by the buyer. The examiner asserts that Thompson et al. disclose *"a Pricing Engine module could be added to the configuration system to generate pricing and cost information for individual products, components, projects, etc. both on a real-time, on-going basis, as the user interacts with the system, and also to provide total (or sub-total) pricing data for the configured product or project; and the Pricing Engine may include bid and quote generation functionality to facilitate the production and transmission of bid/quotes by users to their ultimate customers (col. 18, lines 46-50). Thompson et al. further disclose the utilization of data tables and formulas to look up, calculate and store base prices 50 plus add-on prices 52 of available product options; and the total price 53 can include project-based*

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adjustments if applicable. Pricing of products utilizes a combination of values accessed from a table and enhanced by formulas, which calculate up charges, add-ons and other product options. These methodologies allow the lookup, calculation and storage of unit base prices 50 plus prices 52 for all applicable product features and add-ons; and project-based price adjustments are also available for customer discounts, promotions and competitive bidding situations (col. 12, lines 21-33)". Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of McMahon to include the feature of Thompson et al. in order to provide the user the option of bidding for a configured product.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being unpatentable over McMahon et al. (US PG Pub. 2001/0034726), in view of Thompson et al. (US Patent Number 6,810,401).

As for claims 1 and 7, McMahon et al. disclose an automatic price correcting system in which, connected with a buyer's computer and a seller's computer, for correcting a standard price of an article which has been presented by the seller based

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on a specification of the article, according to changes in the standard specification, the system comprising:

- a standard specifications table for storing specifications presented by the buyer (paragraph [0010]);

- a correction table for storing information required to correct the standard price of the article, presented by the seller (paragraph 0074)); and

- a control device adapted to convert difference between the specifications of the article stored in the standard specifications table and changed specifications of the article, into a correction value of price, through means of referring to the correction table, when the specifications of the article are changed and to correct the standard price stored in the standard price storing section using the correction value of price and to send the corrected standard price to the computer of the buyer (FIGS. 4b and 6c).

McMahon et al. do not disclose a standard price storing section for storing a selected bidding price presented by a selected seller from the plurality of sellers, as a standard price; and

- a bidding price storing section for storing bidding prices presented by the plurality of sellers in response to specifications of an article presented by the buyer.

However, Thompson et al. disclose A Pricing Engine module could be added to the configuration system to generate pricing and cost information for individual products, components, projects, etc. both on a real-time, on-going basis, as the user interacts with the system, and also to provide total (or sub-total) pricing data for the configured product or project; and the Pricing Engine may include bid and quote generation

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functionality to facilitate the production and transmission of bid/quotes by users to their ultimate customers (col. 18, lines 46-50).

Thompson et al. further disclose the utilization of data tables and formulas to look up, calculate and store base prices 50 plus add-on prices 52 of available product options; and the total price 53 can include project-based price adjustments if applicable. Pricing of products utilizes a combination of values accessed from a table and enhanced by formulas, which calculate up charges, add-ons and other product options. These methodologies

allow the lookup, calculation and storage of unit base prices 50 plus prices 52 for all applicable product features and add-ons; and project-based price adjustments are also available for customer discounts, promotions and competitive bidding situations (col. 12, lines 21-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of McMahon to include the feature of Thompson et al. in order to provide the user the option of bidding for a configured product.

As per claims 2 and 8, McMahon et al. disclose wherein the control device is adapted to obtain difference between the specifications of the article stored in the standard specifications table and changed specifications of the article, for each item of the specifications, to convert the difference of the specifications for each item of the specifications into a correction value of price through means of referring to the

correction table and to correct the standard price stored in the standard price storing section by a total of correction values, which is a sum of correction values of prices for respective items of the specifications (paragraph 0074)).

As per claims 3 and 9, McMahon et al. disclose an automatic price correcting system according to claim 2, wherein the correction table stores unit prices for units of respective items of the specifications (paragraph [0010]).

As per claims 4 and 10, McMahon et al. disclose an automatic price correcting system according to claim 1, wherein the control device is adapted to provide for the buyer a specifications change inputting screen for inputting changes in the specifications, to calculate a corrected standard price in response to changed specifications input through the specifications change inputting screen, and to present the corrected standard price to the buyer (paragraph [0072]).

As per claims 5 and 11, McMahon et al. disclose an automatic price correcting system according to claim 4, wherein contents of the correction table are displayed on the specifications change inputting screen (paragraphs [0050],[0056]).

As per claims 6 and 12, McMahon et al. disclose an automatic price correcting system according to claim 4, wherein the correction table is associated with the specifications change inputting screen so that for respective items of the specifications

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displayed on the specifications change inputting screen, the buyer can refer to the correction table corresponding to the items of the specifications (FIG 6c).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

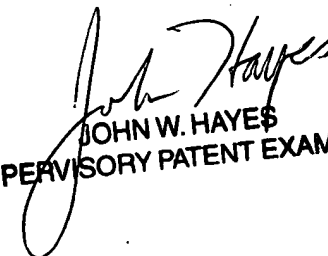
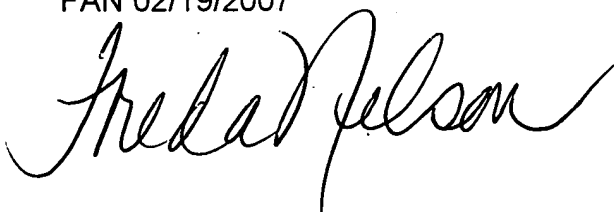
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAN 02/19/2007



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER